3/28/70

Dear Bob,

Bud sent me your note of the 19th on the Z film.

I have no way of knowing, never having checked on it, but I see no reason for TIME Inc to give the government copies of the film, xxxxxxxxx two sets at that, and to make slides for the Warren Commission, and then to have any reluctance in supplying two prints to the Library of Congress in order to get a copyright on it. The fact is I have traced much other film there and turned these leads over to Sprague long ago. As I now recall it, at least NBC's and ABC's.

Mine is a layman's, not a lawyer's understanding, and I am opposed to a private corporation being able to buy and maintain control over such invaluable evidence and such historical treasures. I am the firt to have "violated" their copyright and I am the first to have shown Z on TV (without a murmur from LIFE or TIME). So, my feelings are your way. However, a copyright also grants the right to control the use of the copyrighted material. The owner may use or not use as he sees fit. In magazine publishing in particular copyrights have been used to restrict use and establish ownership by means of what in the trade are known as "ashcan editions", where a minimal number, perhaps as few as three, are published and recorded.

There may be a problem of establishing damages commensurate with what they paid for the film, but I think there will be little trouble establishing both damage and an extensive cash value to those damages. Two obvious ways that come to mind without deep thought are based on the return they have had from the very limited use they have made and from the offer by Geis, which was of 100% of the net from "Six Seconds". And LIFE killed the sale of that.

Geis did lose that case, did they not?

Of course, what you are talking about is unknown to me, therefore I cannot be fully responsive.

I'd sure like to see something done to get that film generally available, but I also know that even when a TV station breached the copyright and showed the film they also put some finks on to make it seem to mean the opposite of what it does. Getting it used does not by any means assure it will be sued as we'd like.

You may also want to consider that LIFE gave Garrison a print, one to the CIA (see Photo WW). Thompson and possibly others seem to have pirated copies. Lemarre told me he had two different prints, one from Steve Smith. I suspect the other was from Garrison's copy.

What makes you certain they'll sue you? They didn't complain against me and I not only used it but with serious charges against them. They did nothing about the LA TV station. A suit would attract more attention to the illicit use, if they object to that. I suspect it would have to be widespread use that would get them to sue. However, if they do, there may be ways in which I can help.

Please greet Arthur for me. Best to you all,

Sincerely,